

# NOTICE

## PLEASE READ CAREFULLY

Please note that the Arizona Court of Appeals has issued a written opinion involving tax lien foreclosures cases, *Roberts vs. Robert*, 215 Ariz. 176, 158 P.3d 899 (App. 2007).

The *Roberts* case involved a tax foreclosure which took place in Mohave County, Arizona. The Defendants (also called the “lienholders”) in this appeal, Paul and Yolanda Robert, filed a tax lien foreclosure action and thereafter attempted service on Ms. Johnson at her last known address. While the process server was unable to locate Ms. Johnson (who, they learned, was deceased), the process server did locate a son who stated that he did not want the property. Thereafter, the lienholders received a default Judgment for the property.

One year later another son filed suit against the lienholders stating that, as an heir of Ms. Johnson, he was entitled to the property. The Court of Appeals agreed with this son, and gave the property to him. The Court stated that a lienholder must conduct a “diligent” search to locate any heir to the property on which they are attempting to foreclose. This may include examination of public or court records, and asking friends, relatives and neighbors if they are aware of any surviving children and where they might be located.

In light of this case, all plaintiffs in tax lien foreclosure proceedings should consider performing a thorough and diligent search to locate the Defendants and any heirs of the Defendants. This may include examination of all public and court records, checking with utility companies for any forwarding address of the Defendants, and research over the internet for any current or last known address. It may also include personal service of the Defendants at the Defendants’ last known address, and a request that the process server talk to the current resident at that address, as well as neighbors, in an effort to find out if there are any heirs of the Defendants, and, if so, where they may be located.

**Please note that in taking these steps to attempt to locate the Defendants and any heirs of the Defendants, there is no guarantee that such attempts would prevent an heir to make a claim against your property and that such claim would not be honored by the Arizona Courts.**

# FORECLOSING A TAX LIEN

**YOU CAN USE THIS PACKET ONLY IF ALL OF THE FOLLOWING ARE TRUE:**

- ☐ YOU BOUGHT A TAX LIEN. IT HAS BEEN THREE YEARS SINCE THE FIRST TAX LIEN SALE DATE **BUT** NOT LATER THAN TEN YEARS FROM THE LAST DAY OF THE MONTH IN WHICH THE LIEN WAS PURCHASED
- ☐ THE TAX LIEN HAS NOT BEEN REDEEMED
- ☐ YOU WANT A FORECLOSURE ON THE TAX LIEN AND RECEIVE A DEED TO THE PROPERTY
- ☐ THE PROPERTY IS IN COCONINO COUNTY, ARIZONA
- ☐ THERE IS ONLY ONE PROPERTY OWNER
- ☐ THE PROPERTY OWNER IS NOT UNDER AGE 18, LEGALLY INCAPACITATED, IN MILITARY SERVICE OR IN BANKRUPTCY
- ☐ THE PROPERTY OWNER IS AN INDIVIDUAL AND NOT A PARTNERSHIP, CORPORATION, TRUSTEE, GOVERNMENTAL ENTITY, OR ASSOCIATION

**DISCLAIMER: THE FORMS AND INFORMATION CONTAINED HEREIN ARE FOR USE AT YOUR OWN RISK AND DISCRETION.**

**COCONINO COUNTY MAKES NO REPRESENTATIONS OR WARRANTIES REGARDING THE ACCURACY OR APPLICABILITY OF INFORMATION OR FORMS CONTAINED HEREIN.**

**THE TREASURER'S OFFICE CANNOT GIVE LEGAL ADVICE. PLEASE CONSULT WITH AN ATTORNEY FOR ANY LEGAL QUESTIONS YOU MAY HAVE.**

## **INSTRUCTIONS**

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms.

**Filing Fee:** To find the fee to file court papers, see the Self-Help Center packet [Superior Court Filing Fees](#) or call the Clerk's Office at 928-679-7600. The Clerk's Office accepts only cash, money orders, and cashier's checks payable to "Clerk of Superior Court". If you can't afford the fee, see the Self-Help Center packet *Paying a Filing Fee in Installments*.

**Notice of [Lis Pendens](#):** After filing the Complaint to Foreclose the Right to Redeem a Tax Lien with the court (explained below), you may record a Notice of Lis Pendens re: the action with the [Coconino County Recorder](#). An attorney can advise you on whether and how to do this. The Coconino County Self Help Center has information on finding an attorney.

### **STEP 1: CHECK WHETHER THE PROPERTY OWNER IS IN BANKRUPTCY**

Call the [Coconino County Treasurer](#) at 877-500-1818 or 928-679-8188 and ask whether the property owner is in bankruptcy. If the property owner is in bankruptcy, you cannot use this packet.

### **STEP 2: DECIDE WHERE TO SEND NOTICE OF YOUR INTENT TO FILE FORECLOSURE ACTION**

At least 30 days before filing the foreclosure complaint, you must send notification to the following address(es) of your intent to foreclose.

1. The property owner of record according to the records of the [Coconino County Recorder](#)  
OR
- 2a. The property owner according to the Records of the Coconino [County Assessor](#), and
- 2b. The property's physical address if different from 2a and
- 2c. The tax bill mailing address according to the records of the Coconino County Treasurer if different from 2a and 2b

### **STEP 3: FILL OUT THE [NOTICE OF INTENT TO FILE FOR FORECLOSURE](#)**

- (1) Enter your name; street address; city, state, and zip code; and telephone number.
- (2) Enter the date you will mail the Notice.
- (3) Enter the property owner's name; street address; and city, state, and zip code.
- (4) If applicable, enter the property's physical street address and city, state, and zip code.
- (5) If applicable, enter the tax bill mailing street address and city, state, and zip code.
- (6) Enter the property's tax parcel identification number and legal description and your certificate of purchase number. Enter the date you plan to file for foreclosure, which must be at least 30 days after the date you sent this Notice.

- (7) Read the Notice and make sure that you understand everything in it and that everything in it is true. Sign.

**STEP 4: MAIL THE NOTICE OF INTENT TO FILE FOR FORECLOSURE**

Send a copy of the Notice via certified mail, return receipt requested, to both 1) the County Treasurer at the address listed on the Notice and 2) each address you listed on the Notice. Keep the original for your records.

**STEP 5: WAIT AT LEAST 30 DAYS**

**If the Property is Redeemed:** You may not file for foreclosure.

**If the Property is Not Redeemed:** You may proceed with these Instructions.

**STEP 6: PERFORM A TITLE SEARCH**

Perform a title search on the property at the [County Recorder's](http://eaglerecorder.coconino.az.gov/recorder/web/) Office, 110 E. Cherry St., or online at <http://eaglerecorder.coconino.az.gov/recorder/web/>. You also may hire a title company, listed in the [Yellow Pages](#), to perform the search. The title search will identify all parties with an interest in the property. You may send notice of the foreclosure action to the other interested parties. If there is more than one property owner, you cannot use this packet.

**STEP 7: FILL OUT THE [CIVIL COVER SHEET](#) – the current form is included below**

[http://supreme.state.az.us/courtserv/CMU/Civil\\_Cover\\_Sheet.doc](http://supreme.state.az.us/courtserv/CMU/Civil_Cover_Sheet.doc)

Rule 8(h) of the Arizona Rules of Civil Procedure is:

<http://www.azcourts.gov/portals/20/2008RulesA/R-08-0008.pdf>

You are the Plaintiff. The property owner(s) are the Defendants. Enter as much information as you know. Under "Nature of Action", put an X in the blank next to "Quiet Title" under "Non-Classified Civil".

**STEP 8: FILL OUT THE [COMPLAINT TO FORECLOSE THE RIGHT TO REDEEM A TAX LIEN](#)**

- (1) Enter your name; street address; city, state, and zip code; and telephone number.
- (2) Enter your name.
- (3) Enter the property owner's name.
- (4) Enter the date you mailed the Notice of Intent to File for Foreclosure.
- (5) Enter the property's address and legal description, the date of the First sale of the tax lien (which may be earlier than the date you bought your tax lien), and your certificate of purchase number.
- (6) Enter the interest rate listed on your certificate of purchase.

- (7) Read the Complaint and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary public.

**STEP 9: FILL OUT THE JUDGMENT FORECLOSING THE RIGHT TO REDEEM A TAX LIEN**

- (1) Enter your name; street address; city, state, and zip code; and telephone number.
- (2) Enter your name.
- (3) Enter the property owner's name.
- (4) Enter the property's address and legal description, the date of the first sale of the tax lien you bought which may be earlier than the date you bought your tax lien, and your certificate of purchase number.

**STEP 10: FILL OUT THE CERTIFICATE ON COMPULSORY ARBITRATION**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter the property owner's name.
- (4) Read the Certificate and make sure that you understand everything in it and that everything in it is true. Date and sign.

**STEP 11: FILL OUT THE SUMMONS**

- (1) Enter your name; street address; city, state, and zip code; and telephone number.
- (2) Enter your name.
- (3) Enter the Defendants' name.
- (4) Enter the Defendants' name.

**STEP 12: FILE THE FORMS WITH THE COURT**

At least 30 days after mailing the Notice of Intent to File for Foreclosure to the property owner, take or mail the filing fee and the original and two copies of the following to the Clerk's Office in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff, AZ 86001.

- ☐ Civil Cover Sheet
- ☐ Complaint to Foreclose the Right to Redeem a Tax Lien
- ☐ Certificate of Compulsory Arbitration
- ☐ Summons

The Clerk will place a case number on the Complaint, Summons and Certificate of Compulsory Arbitration and will stamp your copies with the filing date and return them to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the date-stamped copies to you.

### STEP 13: SERVE THE FORMS ON THE DEFENDANTS

See self-help packet [\*Serving Court Papers on the Other Party at the Start of Your Case\*](#)

### STEP 14: WAIT FOR THE DEFENDANTS TO RESPOND

See the table below for how long Defendants have to file a written response to the Complaint. Find the date the Defendants were served on a calendar. Start counting on the next day. Count the number of days, including weekends and holidays, shown. Defendants must respond by the last date you counted, unless it's a weekend or court holiday, in which case Defendants must respond by the next workday.

Where Were the Papers Served?	How Were the Papers Served?	When Do Defendants Have to Respond?
In AZ, not on an Indian Reservation	Process Server	Count 20 days after the Defendants receive the papers from the process server
	Sheriff	Count 20 days after the Defendants receive the papers from the sheriff
In AZ, on an Indian Reservation	Tribally Licensed Process Server	Count 30 days after the Defendants receive the papers from the process server
	Sheriff or Tribal Law Enforcement	Count 30 days after the Defendants receive the papers from the officer
Outside of AZ	Process Server	Count 30 days after the date the Defendants receive the papers from the process server
	Sheriff or tribal Law Enforcement	Count 30 days after the date the Defendants were served by the officer
If Defendants cannot be located	By Publication	Count 30 days after the first publication date

**\*If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be fewer days for the Defendants to respond. An attorney can advise you.

### STEP 15: DECIDE HOW TO PROCEED

**If Defendants Fail to Respond on Time:** See self-help packet [\*Filing for Default\*](#).

**If the Property is Redeemed:** If Defendants redeem the property after you file the Complaint but before Defendants are served, you cannot proceed with a foreclosure action and you must file a Notice of Dismissal. If you recorded a Notice of Lis Pendens against the property, you must record a Release of Lis Pendens. Please check with an attorney regarding this document.

**STEP 16: THE JUDGE HEARING YOUR CASE MAY REQUIRE PROOF THAT THE PROPERTY IN QUESTION HAS NOT BEEN REDEEMED BY THE OWNER:**

**YOU CAN OBTAIN A COMPLETED AFFIDAVIT OF NON-REDEMPTION FROM THE COCONINO COUNTY TREASURER'S OFFICE**

**If the Property has not been Redeemed:** The day you are to appear in court for the Judgment, fill out the top section of the *Treasurer's Affidavit of Non-Redemption*. Take it to the Coconino County Treasurer's office where it can be signed and notarized certifying that no redemption has been made.

**STEP 17: IF THE COURT FORECLOSES THE RIGHT TO REDEEM THE TAX LIEN: FILL OUT THE FORM "REQUEST FOR JUDGMENT DEED" TO GET A JUDGMENT DEED**

1. Get a certified copy of the signed Judgment Foreclosing the Right to Redeem a Tax Lien from the Clerk of Superior Court. There is a fee for this copy.
2. Fill out the Request For a Judgment Deed.
  - (1) Enter your name; street address; and city, state, and zip code.
  - (2) Enter the date.
  - (3) Read the Request and make sure that you understand everything in it and that everything in it is true. Sign and print your name.
3. Mail or hand-deliver the following to the county treasurer at the address listed on the Request. Keep a copy of everything for your records.
  - ☐ Request for a Judgment Deed
  - ☐ A certified copy of the signed Judgment Foreclosing the Right to Redeem a Tax Lien
  - ☐ \$50.00 per parcel
4. The Coconino County Treasurer will mail you the deed.
5. Have the deed recorded: Take or mail the recording fee and the original or a certified copy of the judgment deed (keep a copy for your records) to the County Recorder's Office, 110 E. Cherry Ave., Flagstaff, AZ 86001. To find the recording fee, call the recorder's office at 928-679-7850 or 800-793-6181.

**STEP 18: IF YOU USED A LITIGATION GUARANTEE REPORT (SEE STEP 6), YOU SHOULD OBTAIN AN OWNER'S TITLE POLICY**

Have the title company that issued the litigation guarantee report issue you an owner's title policy, and record the deed. The title company may do so at a reduced fee.

## NOTICE OF INTENT TO FILE FORECLOSURE ACTION

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

(1) Name of Party Filing Action: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

(2) Mailing Date: \_\_\_\_\_

(3) Name of Property Owner: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

(4) Property Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

(5) Tax Bill Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

cc: Coconino County Treasurer  
110 E. Cherry St., 2<sup>nd</sup> Fl.  
Flagstaff, Arizona 86001

To whom it may concern:

I own a tax lien on the real property identified below. I plan to file a court action to foreclose your right to redeem the tax lien.

(6) Real Property Assessors Parcel Identification Number: \_\_\_\_\_.

Legal Description of the Real Property:

Certificate of Purchase Number: \_\_\_\_\_

I plan to file for foreclosure on or after: \_\_\_\_\_, 20\_\_\_\_

If you wish to redeem the tax lien, please contact the Coconino County Treasurer at 928-679-8188.

(7) Signature: \_\_\_\_\_

**In the Superior Court of the State of Arizona  
In and For the County of Coconino**

Case Number \_\_\_\_\_

**CIVIL COVER SHEET  
NEW FILING ONLY**

(Please Type or Print)

Plaintiff's Attorney \_\_\_\_\_

Attorney Bar Number \_\_\_\_\_

**Plaintiff's Name(s): (List all)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Plaintiff's Address:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List additional plaintiffs on page two and/or attach a separate sheet).

Defendant's Name(s): (List All) \_\_\_\_\_

\_\_\_\_\_

(List additional defendants on page two and/or attach a separate sheet)

EMERGENCY ORDER SOUGHT: ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC  
☐ Election Challenge ☐ Employer Sanction ☐ Other \_\_\_\_\_

(Specify)

☐ RULE 8(i) COMPLEX LITIGATION DOES NOT APPLY. (Mark appropriate box under **Nature of Action**)

☐ RULE 8(i) COMPLEX LITIGATION APPLIES. Rule 8(i) of the Rules of Civil Procedure defines a "Complex Case" as civil actions that require continuous judicial management. A typical case involves a large number of witnesses, a substantial amount of documentary evidence, and a large number of separately represented parties. (Mark appropriate box on page two as to complexity, **in addition** to the Nature of Action case category).

**NATURE OF ACTION**

(Place an "X" next to the **one** case category that most accurately describes your primary case.)

**TORT MOTOR VEHICLE:**

- ☐ Non-Death/Personal Injury
- ☐ Property Damage
- ☐ Wrongful Death

**TORT NON-MOTOR VEHICLE:**

- ☐ Negligence
- ☐ Product Liability – Asbestos
- ☐ Product Liability – Tobacco
- ☐ Product Liability – Toxic/Other
- ☐ Intentional Tort
- ☐ Property Damage
- ☐ Legal Malpractice

- ☐ Malpractice – Other professional
- ☐ Premises Liability
- ☐ Slander/Libel/Defamation
- ☐ Other (Specify) \_\_\_\_\_

**MEDICAL MALPRACTICE:**

- ☐ Physician M.D. Hospital
- ☐ Physician D.O Other

**CONTRACTS:**

- ☐ Account (Open or Stated)
- ☐ Promissory Note
- ☐ Foreclosure
- ☐ Buyer-Plaintiff

☐ Fraud

**CONTRACTS continued:**

- ☐ Excess Proceeds-Sale  
☐ Construction Defects (Residential/Commercial)  
    ☐ Six to Nineteen Structures  
    ☐ Twenty or More Structures

**OTHER CIVIL CASE TYPES:**

- ☐ Eminent Domain/Condemnation  
☐ Forcible Detainer  
☐ Change of Name  
☐ Transcript of Judgment  
☐ Foreign Judgment  
☒ Quiet Title  
☐ Forfeiture  
☐ Election Challenge  
☐ NCC- Employer Sanction Action (A.R.S. §23-212)  
☐ Injunction against Workplace Harassment  
☐ Injunction against Harassment  
☐ Civil Penalty  
☐ Water Rights(Not General Stream Adjudication)  
☐ Real Property  
☐ Sexually Violent Person (A.R.S. §36-3704)  
☐ Minor Abortion  
☐ Special Action Against Lower Courts

**UNCLASSIFIED CIVIL:**

- ☐ Administrative Review

☐ Other Contract (i.e. Breach of Contract)

☐ Tax Appeal

(All other tax matters must be filed in the AZ Tax Court)

- ☐ Declaratory Judgment  
☐ Habeas Corpus  
☐ Landlord Tenant Dispute- Other  
☐ Restoration of Civil Rights (Federal)  
☐ Clearance of Records (A.R.S. §13-4051)  
☐ Declaration of Factual Innocence (A.R.S. §12-771)  
☐ Declaration of Factual Improper Party Status  
☐ Vulnerable Adult (A.R.S. §46-451)  
☐ Tribal Judgment  
☐ Structured Settlement (A.R.S. §12-2901)  
☐ Attorney Conservatorships (State Bar)  
☐ Unauthorized Practice of Law (State Bar)  
☐ Out-of-State Deposition for Foreign Jurisdiction  
☐ Secure Attendance of Prisoner  
☐ Assurance of Discontinuance  
☐ In-State Deposition for Foreign Jurisdiction  
☐ Eminent Domain– Light Rail Only  
☐ Interpleader– Automobile Only  
☐ Delayed Birth Certificate (A.R.S. §36-333.03)  
☐ Employment Dispute- Discrimination  
☐ Employment Dispute-Other  
☐ Other \_\_\_\_\_

(Specify)

**COMPLEXITY OF THE CASE**

If you marked the box on page one indicating that Complex Litigation applies, place an “X” in the box of no less than one of the following:

- ☐ Antitrust/Trade Regulation  
☐ Construction Defect with many parties or structures  
☐ Mass Tort  
☐ Securities Litigation with many parties  
☐ Environmental Toxic Tort with many parties  
☐ Class Action Claims  
☐ Insurance Coverage Claims arising from the above-listed case types  
☐ A Complex Case as defined by Rule 8(i) ARCP

Additional Plaintiff(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Defendant(s)

\_\_\_\_\_

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Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff: \_\_\_\_\_ ) Case Number: \_\_\_\_\_  
 )  
 )  
vs. ) **COMPLAINT TO FORECLOSE THE**  
 ) **RIGHT TO REDEEM A TAX LIEN**  
(3) Defendants: \_\_\_\_\_ )  
 )  
 )  
 )  
JOHN DOE I-X AND JANE DOE I-X, )  
The unknown personal representatives, )  
heirs and devisees of any of the above- )  
named Defendants, if deceased, \_\_\_\_\_ )

**STATEMENTS TO THE COURT:**

- (4) 1. I, Plaintiff, claim an interest in the property in Coconino County described below. This Court has jurisdiction and venue in proper. To the Plaintiff's knowledge, Defendant is an individual and not a partnership, corporation, trustee, governmental entity, or association, and that Defendant is over the age of 18, is not legally incapacitated, or in the military service, that John Doe and Jane Doe, whether singular or plural, are fictitious names designating an individual or individuals, masculine or feminine, or legal entities unknown to Plaintiffs, whose true name or names Plaintiffs pray may be inserted when discovered as if correctly named originally. Notice was mailed on \_\_\_\_\_, 20\_\_\_\_ to Defendants by Plaintiff of my intention to file for foreclosure, pursuant to A.R.S. §42-18202. Attached hereto and incorporated herein by this reference as Exhibit A is a true and correct copy of said Notice of Intent to File Foreclose Action.
- (5) 2. That in order to pay for delinquent taxes legally levied and assessed against the property and interest, penalties, and charges, the Coconino County Treasurer sold me the property as follows. The Certificate of Purchase (copy attached) has been issued or lawfully assigned to me.

Property's Address: \_\_\_\_\_  
\_\_\_\_\_

Property's Legal Description:

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First Tax Sale Date:\_\_\_\_\_ Certificate of Purchase No.:\_\_\_\_\_

3. The sale was valid, and the taxes due and owing on the property were delinquent at the time of sale.
4. Over three years have passed since the first tax sale date, and none of the delinquent property taxes have been redeemed. I therefore am entitled to foreclose Defendants' right to do so. I am now the owner in fee of the property, subject only to Defendants' right to redeem the property and pay me the costs incurred in this action plus any reasonable attorney fees. I believe that if Defendants make some claim adverse to my rights, other than the right to redeem, it is without foundation.

**REQUESTS TO THE COURT:**

- (6) 1. Order that, if Defendants want to redeem the property from sale, Defendants shall pay me the costs incurred, if any, for title search, recording fees, Clerk's filing fee, Lis Pendens, service of process, reasonable attorney fees, and the amount of the Certificate of Purchase and payment of all subsequent taxes plus interest on that amount at the following rate of interest rate per annum from the date paid: \_\_\_\_\_%
2. Or, in the alternative declare that the sale, Certificate of Purchase, and service of process are valid; that at the tax sale, the taxes were delinquent; that over three years have passed since the first sale of the tax lien; that the delinquent property taxes have not been redeemed; and that Defendants' right to redeem the property is forever foreclosed and Defendants are barred forever and estopped from having or claiming any right or title adverse to me. Order the Coconino County Treasurer to execute and immediately deliver to me a Treasurer's deed conveying the property.
3. Enter a judgment in this matter pursuant to Rule 54(b), Arizona Rules of Civil Procedure, as there is no reason for delay.
4. Order any other and further relief for me, including costs and attorney fees, that the court deems appropriate.

(7) Plaintiff's Signature: \_\_\_\_\_

State of Arizona )

)

County of \_\_\_\_\_ )

Subscribed and sworn before me this date: \_\_\_\_\_ by: \_\_\_\_\_

Seal:

Notary Public: \_\_\_\_\_

Notary Expiration Date: \_\_\_\_\_

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff: \_\_\_\_\_ ) Case Number: \_\_\_\_\_  
 )  
 ) A [ ] **JUDGMENT**  
vs. ) **FORECLOSING THE RIGHT TO REDEEM**  
 ) **A TAX LIEN,**  
(3) Defendants: ) **OR**  
 )  
 ) B [ ] **FOR COSTS**  
JOHN DOE I-X AND JANE DOE I-X, )  
The unknown personal representatives, )  
heirs and devisees of any of the above- )  
named Defendants, if deceased, )  
\_\_\_\_\_

**AFTER HEARING, THE COURT FINDS (Either A or B):**

[ ] **A. Default was properly entered:** This Court has jurisdiction to hear this matter as the property is located in Coconino County, Arizona. Over three years have passed since the first tax sale date. Defendants were properly served with the Complaint in compliance with the Arizona Rules of Civil Procedure and failed to appear and answer Plaintiff's Complaint.

That in order to pay for delinquent taxes legally levied and assessed against the property and interest, penalties, and charges, the Coconino County Treasurer sold Plaintiff the property, located in Coconino County, as follows.

Property's Address: \_\_\_\_\_

\_\_\_\_\_

Property's Legal Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

First Tax Sale Date:\_\_\_\_\_ Certificate of Purchase No.:\_\_\_\_\_

The sale of the tax lien was valid; the Certificate of Purchase has been lawfully issued; and the taxes were delinquent. The total of delinquent taxes, interest, penalties, and charges legally due and owing on the property were paid to the Treasurer upon Certificate of Purchase, and the amounts are listed on the Certificate of Purchase.

Plaintiff, prior to judgment, is the owner in fee of the property, subject only to Defendants' right to redeem the property and pay Plaintiff the costs incurred in this action plus any reasonable attorney fees.

The property taxes have not been redeemed. Plaintiff therefore is entitled to foreclose Defendants' right to redeem. Defendants' claim to the property, if any, is invalid other than the right to redeem, which this judgment will foreclose.

**OR**

**[ ] B. Defendants redeemed the property:** Defendants were served with the Complaint in compliance with the Arizona Rules of Civil Procedure and have redeemed the property prior to an entry of judgment.

**THE COURT ORDERS (Either A or B):**

- ☐ **A. Defendants' right to redeem is foreclosed:** The sale of the tax lien, Certificate of Purchase, and service of process are valid and proper. The property's delinquent taxes have not been redeemed. Defendants' right to redeem the delinquent taxes is forever foreclosed and Defendants are barred forever and estopped from having or claiming any right or title adverse to Plaintiff.

The Coconino County Treasurer shall execute and deliver immediately to Plaintiff a deed conveying the property.

**OR**

- ☐ **B. Defendants shall pay Plaintiff's costs and attorney fees:** Defendants redeemed the property from sale. Defendants shall pay Plaintiff \$\_\_\_\_\_ for costs and \$\_\_\_\_\_ for reasonable attorney fees, plus interest on that amount at the following rate of interest per annum from the date paid by Plaintiff until paid in full: \_\_\_\_\_%.

Other Orders: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There is no just reason for delay, and this judgment shall be entered pursuant to Rule 54(b) Arizona Rules of Civil Procedure.

Done in open court this date: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of Superior Court

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff:	) Case Number: _____
	)
	)
vs.	) <b>CERTIFICATE OF COMPULSORY</b>
	) <b>ARBITRATION</b>
(3) Defendants:	)
	)
	)
JOHN DOE I-X AND JANE DOE I-X,	)
The unknown personal representatives,	)
Heirs and devisees of any of the above-	)
Named Defendants, if deceased,	)

Plaintiff certifies that he or she knows the dollar limits and any other limitations set forth by the local rules of practice for the Coconino County Superior Court, and further certifies that this case is NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

(4) Date: \_\_\_\_\_ Plaintiff's Signature: \_\_\_\_\_

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff: \_\_\_\_\_ ) Case Number: \_\_\_\_\_

vs. \_\_\_\_\_

**SUMMONS**

(3) Defendants: \_\_\_\_\_

JOHN DOE I-X AND JANE DOE I-X, )  
The unknown personal representatives, )  
Heirs and devisees of any of the above- )  
Named Defendants, if deceased, \_\_\_\_\_ )

(4) THE STATE OF ARIZONA TO:

YOU ARE SUMMONED and required to appear and defend within the time applicable in this action in this Court. If served in Arizona, you shall appear and defend within 20 days of service on you of the Summons and Petition/Complaint, excluding the day of service. If served outside of Arizona, you shall appear and defend within 30 days of service on you of the Summons and Petition/Complaint, excluding the day of service. Direct service is complete when made. Service by publication is complete 30 days after the first publication. Service on the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return. Where process is served on the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this State, the insurer shall not be required to appear, answer, or otherwise plead until 40 days after service on the Director.

YOU ARE NOTIFIED that if you fail to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or other proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you must serve a copy of any Answer or response on the Plaintiff.

A copy of the pleading being served may be obtained from the Clerk of Superior Court, Coconino County Court House, 200 North San Francisco, Flagstaff, AZ 86001.

Requests for reasonable accommodation for persons with disabilities must be made to the court division assigned to the case by parties at least three working days in advance of a scheduled court proceeding.

SIGNED AND SEALED this date: \_\_\_\_\_

Clerk of Superior Court

By Deputy Clerk: \_\_\_\_\_

## REQUEST FOR A JUDGMENT DEED

(1) Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

(2) Date: \_\_\_\_\_

Coconino County Treasurer  
110 E. Cherry St., 2<sup>nd</sup> Fl.  
Flagstaff, AZ 86001

To whom it may concern:

Please execute and deliver to me a deed conveying the property described in the enclosed certified copy of the Judgment Foreclosing the Right to Redeem a Tax Lien. I also enclose the fee of \$50.00 per parcel.

Sincerely,

(3) Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_



Date: \_\_\_\_\_, 20\_\_\_\_

Bonny K. Lynn

County Treasurer

[blynn@coconino.az.gov](mailto:blynn@coconino.az.gov)

Cheri L. Kiefer

Chief Deputy Treasurer

[ckiefer@coconino.az.gov](mailto:ckiefer@coconino.az.gov)

110 E. Cherry Ave

Flagstaff, AZ 86001

928-679-8188 P

928-679-8199 F

877-500-1818

## TREASURER'S AFFIDAVIT OF NON-REDEMPTION

Investor Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, ST Zip Code: \_\_\_\_\_

Civil Action Number: **CV-** \_\_\_\_\_

Certificate of Purchase Number: \_\_\_\_\_

APN /Account #: \_\_\_\_\_

I, \_\_\_\_\_, Deputy Treasurer of Coconino County, hereby certify that redemption **has**\_\_\_\_/ **has not**\_\_\_\_ been made on the above referenced APN as of this date.

Deputy Treasurer

Subscribed and sworn to me on \_\_\_\_\_

# **FILING FOR DEFAULT JUDGMENT**

**YOU CAN USE THIS PACKET IF ALL OF THE FOLLOWING  
ARE TRUE:**

- [ ] YOU STARTED A CASE BY FILING A COMPLAINT
- [ ] YOU SERVED THE COURT PAPERS ON THE DEFENDANTS,  
OR YOU COULD NOT FIND THE DEFENDANTS AND DID  
SERVICE BY PUBLICATION
- [ ] IF THE DEFENDANTS ARE DECEASED, YOU SERVED BY  
PUBLICATION ON THE UNKNOWN HEIRS AND DEVISEES  
OF THE DECEASED
- [ ] ☐ YOU FILED PROOF OF SERVICE WITH THE COURT
- [ ] ☐ THE DEFENDANTS WERE REQUIRED TO FILE A WRITTEN  
RESPONSE WITH THE COURT
- [ ] ☐ THE DEFENDANTS FAILED TO RESPOND
- [ ] THE DEFENDANTS ARE NOT MINORS, INCOMPETENT OR  
IN MILITARY SERVICE

## INSTRUCTIONS

Read all instructions and forms before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms.

**Filing Forms with the Court:** Take or mail forms to be filed to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. Submit the original, one copy for yourself, and one copy for each person you must give a copy to, if any. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

## WHAT IS DEFAULT?

After you file a Complaint and serve it on the Defendants, the law gives the Defendants a limited time to file a written Answer or Response with the court. If the Defendants fail to answer or respond, you can ask the court to hold the Defendants in “default”. Once the court “enters” default, the Defendants has one last chance to respond. If he/she fails to do so, the default goes into effect, and the Defendants no longer have the chance to tell the court his/her side of the story.

After the default goes into effect, you will need to file a Motion for Hearing for Default Judgment and the court will hold a default hearing. At the hearing, the judge will review the requests in your Complaint and grant those that have merit by signing a Default Judgment, bringing your case to a close.

**Are the Defendants Required to Respond?** No. In tax lien foreclosure proceedings on real property, if the party can be located, the Defendants should respond to the Complaint after the Summons and Complaint have been served upon that party. If the Defendants do not respond within the time set forth as required by Arizona Statutes, then a Default Judgment may be entered by the Court pursuant to these instructions.

**Serving Court Papers:** For information on which papers must be served and how to serve them, see the Self-Help packet *Serving Court Papers on the Other Party at the Start of Your Case*. This information also is in the Self-Help Center packets on divorce and legal separation.

## STEP 1: CHECK THAT THE DEFENDANTS FAILED TO RESPOND

See the table below for how long Defendants have to respond. Find the date in the “After” column on a calendar. Start counting on the next day. Count off the days in the “Count” column, including weekends and holidays. Defendants must respond by the last date you counted, unless it’s a weekend or court holiday, in which case Defendants must respond by the next workday. (Call the Clerk of Court at 928-679-7600 to make sure the Defendants have not filed an Answer.)

Where Were the Papers Served?	How Were the Papers Served?	Count:	After:
In AZ, not on an Indian Reservation	Process Server	20 Days	The Defendants receive the papers from the process server
	Sheriff	20 Days	The Defendants receive the papers from the sheriff
In AZ, on an Indian Reservation	Tribally Licensed Process Server	30 Days	The Defendants receive the papers from the process server
	Sheriff or Tribal Law Enforcement	30 Days	The Defendants receive the papers from the officer
Outside of AZ	Process Server	30 Days	The date the Defendants receive the papers from the process server (not counting the date the papers were served by the process server)
	Sheriff or tribal Law Enforcement	30 Days	The date the Defendants were served by the officer (not including the date the papers were served by the officer)
If Defendants cannot be located	By Publication	30 Days	After the first publication

**\*If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be fewer days for the Defendants to respond. An attorney can advise you.

## **STEP 2: FILL OUT THE APPLICATION FOR DEFAULT AND ENTRY OF DEFAULT**

- (1) Enter your name; street address; city, state, and zip code; and telephone number.
- (2) Enter your name as it appears on the Complaint.
- (3) Enter the Defendants' name as it appears on the Complaint.
- (4) Enter the case number as it appears on the Complaint.
- (5) Sign in front of a notary.

### **Certificate of Service:**

A. If you do not know where the Defendants live, follow the instructions below.

- (6) Enter the date you will file the Application.
- (7) Enter the Defendants' name and address and, if he/she has an attorney, that attorney's name and address.

B. If you do not know where the Defendants live or if they have an attorney, check the box so stating.

(8) Enter the date you will file the Application, and sign the document.

**STEP 3: MAIL A COPY OF THE APPLICATION FOR DEFAULT AND ENTRY OF DEFAULT TO THE DEFENDANTS**

Send a copy of the Application for Default and Entry of Default through first-class mail, postage prepaid to the following people *on the same day you file it*:

- ☐ The Defendants at the Defendants' last known address
- ☐ The Defendants' attorney, if he or she has an attorney.

**STEP 4: FILE THE FOLLOWING WITH THE COURT**

Application and Entry of Default

**STEP 5: WAIT FOR THE DEFENDANTS TO RESPOND**

The Defendants have 10 working days from the date you filed the Application for Default to file a written Answer with the court. Find the filing date stamped on your copy of the Application for Default. Note that if you filed by mail, the filing date is not the date you mailed the documents; it is the date the court processed them and stamped the filing date on your copy. Find the filing date on a calendar. Starting on the next day, count off 10 workdays -- do not count weekends and holidays. You may act on the next workday. (Call the Clerk of Court at 928-679-7600 to make sure the Defendants did not file an Answer.)

**If the Defendants DO NOT file an Answer** by the date required, proceed to FILL OUT THE REQUEST FOR HEARING, STEP 6 below.

**If the Defendants DO file an Answer or Responsive pleading** by the date required, the Defendants will likely pay all sums due to you and the case can be dismissed.

**STEP 6: FILL OUT THE REQUEST FOR HEARING**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name as it appears on the Complaint.
- (3) Enter the Defendants' name as it appears on the Complaint.
- (4) Enter the case number as it appears on the Complaint.
- (5) Date and sign.

**STEP 7: FILL OUT THE ORDER SETTING DEFAULT HEARING**

- (1) Enter your name; street address; city, state, and zip code; and phone number.

- (2) Enter your name as it appears on the Complaint.
- (3) Enter the Defendants' name as it appears on the Complaint.
- (4) Enter the case number as it appears on the Complaint.

**STEP 8: FILE THE FOLLOWING WITH THE COURT**

- ☐ Request for Default Hearing
- ☐ Order Setting Default Hearing

**STEP 9: THE COURT WILL MAIL YOU THE SIGNED ORDER SETTING HEARING WITH THE HEARING DATE FILLED IN**

**STEP 10: SEND A COPY OF THE ORDER SETTING HEARING TO THE DEFENDANTS**

*At least three days before the hearing, mail a copy of the Order Setting Hearing, with the hearing date filled in and the judge's signature stamped on it, to the Defendants at the Defendants' last known address.*

**STEP 11: GO TO THE HEARING**

Go to the hearing. Bring three copies of any evidence that may support your case. Bring a copy of *every document* you filled out or filed with the court in your case, including the Complaint and a Proposed Default Judgment. Be prepared to testify about why you think your requests should be granted.

The judge will ask you a few simple questions, which may include the following.

- 1. What are your name, address, and telephone number?
- 2. What is the name of your spouse?
- 3. What steps have you taken to attempt to locate the Defendants? (Be very specific and list each and every step in which you have attempted to locate the Defendants, including research of County and State records, utility records, computer searches, etc.).

For general information about representing yourself in court, see the Self-Help packet *Representing Yourself in Court*.

**STEP 12: SEND THE SIGNED JUDGMENT TO THE DEFENDANTS**

Mail a copy of the signed Default Judgment to the Defendants at their last known address.

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff	)	Case Number: (4) _____
	)	
vs.	)	
(3) Defendant	)	<b><u>APPLICATION FOR DEFAULT</u></b>
	)	<b><u>AND ENTRY OF DEFAULT</u></b>
	)	
	)	
JOHN DOE I-X AND JANE DOE I-X,	)	
The unknown personal representative, heirs	)	
and devisees of any of the above named	)	
Defendants, if deceased	)	

I, Plaintiff, ask the court to enter the default against the Defendant(s).

I served a copy of the Complaint and Summons on Defendant(s), and Defendant(s) failed to plead or otherwise defend in this action within the time required by law.

Defendant(s) are not in the military service.

**Notice to Defendant(s):** If you do not file a written response with the court or otherwise defend in this action within 10 days of this Application being filed, a default judgment may be entered against you.

(5) Plaintiff's Signature: \_\_\_\_\_

State of Arizona )  
 )  
County of \_\_\_\_\_ )

Subscribed and sworn before me this date: \_\_\_\_\_ by \_\_\_\_\_

Seal: Notary Public: \_\_\_\_\_

Notary Expiration Date: \_\_\_\_\_

### **CERTIFICATE OF SERVICE**

[ ] I certify that a copy of this Application was sent to Defendant(s) (or attorney for Defendants, if known) at the address below by first-class mail, postage prepaid on this date: (6) \_\_\_\_\_

(7) Defendant: \_\_\_\_\_  
Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

OR

[ ] The whereabouts of the Defendants are not known to Plaintiff or whether Defendants have an attorney.

(8) Date: \_\_\_\_\_  
Plaintiff's Signature \_\_\_\_\_

### **ENTRY OF DEFAULT**

Defendant(s) were properly served with the necessary papers in this case. Defendant(s) failed to respond in the manner or time required by law. Default of Defendant(s) is entered.

Dated: \_\_\_\_\_

Clerk of Superior Court

By \_\_\_\_\_  
Deputy Clerk

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff ) Case Number: (4) \_\_\_\_\_  
)  
vs. ) **ORDER SETTING DEFAULT HEARING**  
(3) Defendant(s) )  
)  
)  
)  
)  
JOHN DOE I-X AND JANE DOE I-X, )  
The unknown personal representative, heirs )  
and devisees of any of the above-named )  
Defendants, if deceased, )

Good cause appearing,

IT IS ORDERED that a default hearing is set in this case as follows:

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Superior Court Division: \_\_\_\_\_

(All Divisions are in the Coconino County Court House at 200 North San Francisco, Flagstaff.)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff ) Case Number: (4) \_\_\_\_\_

vs. )

(3) Defendant ) **REQUEST FOR DEFAULT HEARING**  
 ) **AND ENTRY OF DEFAULT**  
 )  
 )  
 )

JOHN DOE I-X AND JANE DOE I-X, )  
The unknown personal representative, heirs )  
and devisees of any of the above named )  
Defendants, if deceased )

I/We, Plaintiff(s), ask the court to set a default hearing in this case. Defendant(s) have defaulted, and all applicable time periods have passed.

(5) Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Signature

# **SERVING COURT PAPERS ON THE DEFENDANTS AT THE START OF YOUR CASE**

- [ ] YOU STARTED A COURT CASE BY FILING A COMPLAINT  
WITH THE COURT
- [ ] YOU NEED TO SERVE THE COURT PAPERS ON THE  
DEFENDANTS

## INSTRUCTIONS: SERVING COURT PAPERS ON THE DEFENDANTS AT THE START OF YOUR CASE

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms.

**Notaries:** Some forms must be signed in front of a notary public. You can find a notary at most banks or listed in the Yellow Pages or online. The person signing must bring photo ID. Notaries usually charge a fee.

### SERVICE METHODS

Where do the Defendants live?	Use service method #:
In Arizona, not on an Indian Reservation	1 or 2
In the U.S., outside Arizona, not on an Indian Reservation	1 or 2
On an Indian Reservation*	1, 3 or 4
Cannot locate the Defendants	5
Defendants are Deceased	5
Outside the U.S.	See an attorney for help

**\*If the Defendants Live on an Indian Reservation:** Depending on the circumstances and facts of your case, there may be additional service options. An attorney can advise you.

- 1. Service by Registered Process Server:** This method requires you to hire and pay a registered process server. This fee cannot be waived or deferred. Service is complete when the process server hands the Defendants the court papers. See the instructions and forms for “Service by Process Server, Sheriff, or Tribal Law Enforcement” in this packet.
- 2. Service by Sheriff:** This method requires you to contact the sheriff’s office in the county where the Defendants live. You must pay a fee to the sheriff’s office unless you receive a fee waiver or deferral (see the Self-Help Center packet *Filing Fee Deferral at the Start of Your Case*). Only the Coconino County sheriff’s office is required to accept a fee waiver or deferral from a Coconino court. Service is complete when the officer hands the Defendants the court papers. See the instructions and forms for “Service by Process Server, Sheriff, or Tribal Law Enforcement” in this packet.
- 3. Service by Tribally Licensed Process Server:** This method requires you to hire and pay a tribally licensed process server. This fee cannot be waived or deferred. Service is complete when the process server hands the Defendants the court papers. See the instructions and forms for “Service by Process Server, Sheriff, or Tribal Law Enforcement” in this packet.
- 4. Service by Tribal Law Enforcement:** This method requires you to contact law enforcement on the reservation where the Defendants live to arrange for an officer to

serve the Defendants. Tribal law enforcement may charge a fee for service. Tribal law enforcement *may* choose to accept a Coconino fee waiver. Service is complete when the officer hands the Defendants the court papers. See the instructions and forms for “Service by Process Server, Sheriff, or Tribal Law Enforcement” in this packet.

5. **Service by Publication:** Use this method if you are unable to locate the Defendants after you have conducted your due diligence in trying to locate the Defendants. This method requires you to have the Summons published in a newspaper once a week for four weeks in a row. Service by publication can be expensive and delay your case. You must pay the newspaper a fee unless you receive a fee waiver or deferral (see the Self-Help packet *Filing Fee Deferral at the Start of Your Case*). Service is complete 30 days after the first publication. See the instructions and forms for “Service by Publication” in this packet.

If the any of the Defendants are deceased, you are required to serve by publication in Coconino County for any known or unknown heirs, personal representatives or devisees.

## INSTRUCTIONS: SERVICE BY PUBLICATION

### STEP 1: TRY TO FIND THE DEFENDANTS

The law requires you to make a diligent effort to find the Defendants, including but not limited to such means as:

- ☐ Asking for the Defendants' whereabouts from his/her co-workers, friends, and relatives
- ☐ Examining phone company records
- ☐ Examining utility company records
- ☐ Examining records kept by the county treasurer
- ☐ Examining records kept by the county recorder or similar agency
- ☐ Employing companies that do computer searches to help you locate the Defendants if you know the Defendants' date of birth and/or social security number
- ☐ Hiring a Process Server and have the process server talk to the neighbors

Keep written records of what you did to try to find the Defendants.

**If you locate the Defendants**, you must use one of the other service methods.

If you cannot locate the Defendants after due diligence, you may do service by publication. If any of the Defendants are deceased, you are required to do service by publication in Coconino County for the unknown heirs and devisees.

### STEP 2: FIND A NEWSPAPER

If the Defendants' last known address is **in Coconino County**, publish in a newspaper in Coconino County. If the Defendants' last known address is in Arizona but **not in Coconino County**, publish in 1) a newspaper in Coconino County and 2) a newspaper in the county of his/her last known address. If the Defendants' last known address is **outside of Arizona**, publish in a newspaper in Coconino County.

If there is no newspaper in the county where you need to publish, publish in a newspaper in a neighboring county. Newspapers are listed in the Yellow Pages. The phone number for the *Arizona Daily Sun* in Coconino County is 928-556-2280, and the *Williams-Grand Canyon News* in Coconino County is (928) 635-4426;

### STEP 3: CALL THE NEWSPAPER(S)

Call the newspaper(s). Tell them you need to publish a Summons once a week for four weeks in a row. Ask the following questions.

- ☐ How much will the publication cost?
- ☐ Will the newspaper prepare and mail you a publisher's affidavit? (Most papers do this automatically; all papers will do this at your request.)

- ☐ Will the newspaper mail you a copy of the legal notice? (Most papers do not do this automatically; *some* papers will do this at your request.)

**STEP 4: FILL OUT THE LETTER: SERVICE BY PUBLICATION**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the date.
- (3) Enter the newspaper's name; street address; and city, state, and zip code.
- (4) Enter your case number as it appears on your Complaint.
- (5) Check the appropriate box. If applicable, fill in the blank with the amount you were quoted in Step 2.
- (6) Sign your name.

**STEP 5: GIVE THE LETTER TO THE NEWSPAPER(S)**

Take or mail the following to the newspaper(s). Keep a copy of everything for your records.

- ☐ The original Letter: Service by Publication
- ☐ A copy of the Summons
- ☐ One of the following:
- ☐ a check or money order for the cost of publication
  - ☐ a certified copy of the Order from the court waiving the publication costs

**STEP 6: WAIT FOR THE SUMMONS TO BE PUBLISHED**

If the newspaper(s) said in Step 3 they would not mail you a copy of the published Summons, or if you do not receive a copy by the last date of publication, get the newspaper(s) on that day, cut out your notice, and make a copy of it. After the last date of publication, go to FILL OUT THE AFFIDAVIT, STEP 7 below.

**STEP 7: FILL OUT THE AFFIDAVIT OF SERVICE BY PUBLICATION**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name as it appears on the Complaint.
- (3) Enter Defendants' name as it appears on the Complaint.
- (4) Enter the case number as it appears on the Complaint.
- (5) Enter the steps you took to try to find the Defendants.
- (6) Enter the name and county of the newspaper(s) you published in and the dates the notice was published.
- (7) Sign in front of a notary.

**STEP 8: FILE THE AFFIDAVIT WITH THE COURT**

Take or mail the following to the Clerk's Office in the Coconino County Court House at 200

North San Francisco, Flagstaff, AZ 86001.

- ☐ The original Affidavit of Service by Publication with the following attached to it:
  - ☐ The original publisher's affidavit from each newspaper
  - ☐ One copy of each newspaper's notice
  - ☐ One copy of the Affidavit with the following attached to it:
    - ☐ A copy of the publisher's affidavit from each newspaper
    - ☐ The original notice from each newspaper

The Clerk will stamp your copy with the filing date and return it to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copy.

**LETTER: SERVICE BY PUBLICATION**

(1) Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

(2) Date: \_\_\_\_\_

(3) Name of Newspaper: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

(4) Re: Case Number \_\_\_\_\_

To Whom It May Concern:

I am enclosing a copy of the Summons in the court case referenced above. Please publish this Summons once a week for four successive weeks.

(5) Also enclosed is a check or money order for \$\_\_\_\_\_ for the cost of the publication.

Please call me at the number above to tell me when the first publication will occur. When all four weeks of publication have been completed, please send me the original and one copy of the publisher's affidavit.

Thank you for your help in this matter.

Sincerely,

(6) \_\_\_\_\_  
Signature

Enclosures

(1) Person Filing: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

(2) Plaintiff ) (4) Case Number: \_\_\_\_\_

)

)

**AFFIDAVIT OF SERVICE BY  
 PUBLICATION**

(3) Defendant(s) )

)

)

)

)

The unknown representatives, heirs and devisees )  
 of any of the above-named Defendants. )

Service by publication is the best way to notify the Defendants of this case because I do not know where he/she lives. I have mailed the Defendants copies of the proceedings at their last known address. To the best of my knowledge, information, and belief, they are not in the military service of the U.S.

(5) I do not know the Defendants' residence and whereabouts despite a diligent search including the following: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(6) I caused the Summons in this case to be published in the following newspaper(s) of general circulation

\_\_\_\_\_ in \_\_\_\_\_ County, Arizona.  
\_\_\_\_\_ in \_\_\_\_\_ County, Arizona.  
once a week for four weeks in a row, on the following dates:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Each publisher's Affidavit of Publication and the notice as published are attached.

(7) Plaintiff: \_\_\_\_\_  
(signature)

State of Arizona )  
County of \_\_\_\_\_ )

Subscribed and sworn or affirmed before me this date: \_\_\_\_\_  
by: \_\_\_\_\_.

Seal: Notary Public: \_\_\_\_\_  
Notary Expiration Date: \_\_\_\_\_

## **INSTRUCTIONS: SERVICE BY PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT**

### **STEP 1: FIND A PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT OFFICER**

Find a process server in the county where the Defendants live. Process servers are listed in the Yellow Pages or online. If the Defendants live on an Indian reservation, find a tribally licensed process server in the tribe's phonebook or go through tribal law enforcement.

OR

Find the sheriff's office in the county where the Defendants live or the tribal law enforcement office on the Indian reservation where the Defendants live. They should be listed in the government pages of the phonebook. The Coconino County Sheriff's Office is at 911 East Sawmill, Flagstaff, AZ 86004, 928-774-4523 or (toll-free) 800-338-7888.

### **STEP 2: CALL THE PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT OFFICER**

Call the process server, sheriff, or tribal law enforcement officer. Have your Complaint in front of you. Ask the following questions.

- ☐ How much do you charge for service of process?
- ☐ Do I pay up front, or will you bill me?
- ☐ Do you file the Affidavit of Service with the court and mail me a copy, or do I need to file it myself? (Once the court papers are served on the Defendants, an Affidavit of Service must be filed with the court. The process server, sheriff, or tribal law enforcement officer will produce the Affidavit of Service. Some will file it with the court and mail you a copy; others will mail you the original to file yourself.)

### **STEP 3: FILL OUT THE LETTER: SERVICE BY PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the date you will mail or deliver the Letter.
- (3) If you are using a sheriff, enter the county of that sheriff's office.
- (4) If you are using a process server, enter that process server's name.
- (5) If you are using tribal law enforcement, enter the tribe's name.
- (6) Enter the sheriff's, process server's, or tribal law enforcement officer's street address and city, state, and zip code.
- (7) Enter the Defendants' name and the case number as they appear on the Complaint.
- (8) Check the box next to each document listed under your case type. If your case type is "Other", check the box next to "Complaint" and "Certificate of Compulsory Arbitration",

use the blanks to list each additional document you filed with the court, and check the box next to each of those documents.

- (9) Check the appropriate box. Enter the Defendants' last known address, and any other address of which you may aware.
- (10) Check the appropriate box regarding payment.
- (11) Sign your name.

**STEP 4: GIVE THE FORMS TO THE PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT OFFICER**

Take or mail the following to the process server, sheriff, or tribal law enforcement officer. Keep copies of everything for your records.

- ☐ The original Letter: Service by Process Server, Sheriff, or Tribal Law Enforcement
- ☐ If applicable, a certified copy of the court order waiving or deferring fees
- ☐ If applicable, the fee
- ☐ The original Summons
- ☐ One copy of each document you checked in Blank 8 of the Letter

**STEP 5A: WAIT FOR THE PROCESS SERVER, SHERIFF, OR TRIBAL LAW ENFORCEMENT OFFICER TO MAIL YOU THE AFFIDAVIT OF SERVICE**

If you were told in Step 2 that the process server, sheriff, or tribal law enforcement officer will file the Affidavit with the court, then wait for them to mail you a copy of the Affidavit stamped with the date it was filed (this is called a "conformed" copy). Keep in touch with the process server, sheriff, or tribal law enforcement officer to make sure the Affidavit is filed.

**STEP 5B: FILE THE AFFIDAVIT OF SERVICE WITH THE COURT**

If you were told in Step 2 that you must file the Affidavit with the court, wait for the process server, sheriff, or tribal law enforcement officer to mail you the original Affidavit.

Then take or mail the original and one copy of the Affidavit to the Superior Court Clerk's Office in the Coconino County Court House at 200 North San Francisco, Flagstaff, AZ 86001. The Clerk will stamp your copy with the filing date and return it to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copy.

**LETTER: SERVICE BY PROCESS SERVER, SHERIFF, OR TRIBAL LAW  
ENFORCEMENT**

- (1) Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_
- (2) Date: \_\_\_\_\_
- (3) Sheriff of the County of *(if serving by sheriff)* \_\_\_\_\_
- (4) Process Server's Name *(if serving by process server)*: \_\_\_\_\_
- (5) Tribal Law Enforcement of *(if serving by tribal law enforcement)* \_\_\_\_\_
- (6) Street Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_
- (7) Re:    Name of Person to Be Served: \_\_\_\_\_  
          Court Case Number:                \_\_\_\_\_

To whom it may concern:

- (8) Please find enclosed a copy of the **Summons** and a copy of the following documents for each of the Defendants to be served in the court case referenced above:

<b>Other</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Certificate of Compulsory Arbitration	
Other papers you filed with the court when you started your case:	
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____

**Details about the Defendants:**

- (9) The last known address(es) of Defendant(s) is/are:

\_\_\_\_\_

- (10) ☐ I enclose \$ \_\_\_\_\_ in payment for service of process.  
☐ I understand I will be billed for service of process.  
☐ I enclose a certified copy of a court order waiving or deferring the fee.

Please note that each document served must be named in the Affidavit of Service.

Thank you for your assistance.

(11) \_\_\_\_\_  
Signature

Enclosures